

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

M91098
E/sl

FRED T. SANTUCCI, J.P.
HOWARD MILLER
RUTH C. BALKIN
LEONARD B. AUSTIN, JJ.

2009-07404

DECISION & ORDER ON MOTION

In the Matter of Robert L. Greene, appellant,
v Charlotte S. Keeney, respondent.

(Docket No. V-8137/01)

Motion by Robert L. Greene for leave to appeal to this court from an order of the Family Court, Kings County, dated August 4, 2009, and to stay enforcement of the order and to direct that the subject child shall attend the West End Day School, pending hearing and determination of the appeal.

Upon the papers filed in support of the motion and the papers filed in opposition and in relation thereto, it is

ORDERED that the branch of the motion which is for leave to appeal is granted; and it is further,

ORDERED that the branch of the motion which is to stay enforcement of the order dated August 4, 2009, is granted to the extent that so much of the order as directed the subject child to remain in the Orchard School is stayed pending hearing and determination of the appeal and that branch of the motion is otherwise denied; and it is further,

ORDERED that the branch of the motion which is to direct that the subject child shall attend the West End Day School is granted, the appellant shall enroll the child at the West End Day School, 255 West 71st Street, New York, New York, for the 2009/2010 school year, and the child shall attend that school pending hearing and determination of the appeal.

SANTUCCI, J.P., MILLER, BALKIN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

August 21, 2009

MATTER OF GREENE v KEENEY